

HB 2685-SFA 3

Economic Equity Act

State Universities Purchasing Director Order of needed Amendments as established by the PAC (Purchasing Advisory Council) on January 8, 2021:

1a. Removal of the Commission on Equity and Inclusion. Article 115

These functions are currently served by existing bodies and attention to remedying deficiencies in those organizations would provide greater results than creating a duplication of authority.

1b. Amending the start date of any proposed or passed legislation to 6 months or a year.

Many changes in this legislation would need substantial administrative shifts that are just not achievable with an immediate effective date.

1c. Amend to remove language limiting duration of contracts and eligibility of renewal based on goal attainment. 30ILCS 500/20-60 (f)

Many factors are considered when exercising a renewal of an active award including budgetary, overall performance, University needs, and many unforeseen factors. Current practice dictates State Institutions review diverse performance much more frequently than at award renewal. Non-renewal may also call into question the aspirational nature of the program and goals.

1d. Amend to remove language on waivers. 30ILCS 575/7 3(c)

The Department of Central Management Services has provided guidance on goal setting based upon the availability of vendors in a given commodity or service. Those procedures are followed and only after vendors have failed to present suitable options under the law are waivers considered. Adding Language that the Council and the General Assembly approve such waiver runs contrary to the goal-setting initiatives in place as well as existing Statute. Additionally, it may not be prudent (based on separation of powers) to have the General Assembly involved in State Contracting activity.

1e. Amend to remove language on Evaluation Criteria and Scoring Methodology. 30ILCS 500/20-15 (e)

This language is currently achieved and in practice through the use of the CMS prescribed Utilization plans submitted with all State Solicitations. Adding scoring points will have a cooling effect on the number of vendors responding to open solicitations.

1f. Amend to include language that all aspirational spend goals be determined by a recent disparity study. 30ILCS 575/4

No less than annually all aspirational percentage goals shall be determined by a disparity study performed under the guidance of the Department of Central Management Services.

2. Addition of language that allows State Agency and Institutions of Higher Education to claim and report spend with Diverse, female, and persons with disability businesses that are not certified by the BEP Council.